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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/431,154 | 11/01/1999 | TAKEHIRO KATA | 104639 | 8340 |

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[REDACTED] EXAMINER

MACKEY, JAMES P

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1722

DATE MAILED: 07/02/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

1-P

| | | |
|---|--------------------------------------|------------------------------------|
| Office Action Summary | Application No. 09/431,154 | Applicant(s) KATA ET AL. |
| | Examiner James Mackey | Art Unit 1722 |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | |
| Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | |
| - Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Jun 25, 2002</u> . | | |
| 2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final. | | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213. | | |
| Disposition of Claims | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1, 2, and 4-6</u> is/are pending in the application. | | |
| 4a) Of the above, claim(s) _____ is/are withdrawn from consideration. | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1, 2, and 4-6</u> is/are rejected. | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | |
| 8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement. | | |
| Application Papers | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | |
| 13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of: 1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. | | |
| 14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | |
| 15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | |
| Attachment(s) | | |
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | | |
| 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ | | |
| 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | | |
| 6) <input type="checkbox"/> Other: _____ | | |

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1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 24, 2002, has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Great Britain Patent 1,248,891 (Figures 1-5) in view of Miyata et al. (U.S. Patent 5,208,044).

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British '891 discloses a vulcanizing mold substantially as claimed, comprising upper and lower sidewall mold members integrally attached to upper and lower base plates, upper 42 and lower 10 tread mold members indirectly attached to the upper and lower base plates and being constituted of upper segments and lower segments, respectively, the upper and lower segments being displaceable only radially relative to the upper and lower sidewall mold members, a single cam ring 43 in direct engagement with the upper and lower tread mold members (see especially Figs. 4 and 5, showing that the cam ring engages with a tapered portion of the lower segments 11), the cam ring being always in engagement with the upper segments, the cam ring being adapted to be displaced independently of approaching displacements of the sidewall mold members toward each other to thereby simultaneously displace the upper and lower segments radially inwards while the upper and lower segments are in abutment with each other and while the cam ring remains in direct engagement with the upper tread mold member and in **indirect** engagement (via cooperating projection 81 and recess 34) with the lower tread mold member, and abutment means 79, 80 on the upper base plate and the cam ring for defining the upper limit position of the cam ring relative to the upper base plate. British '891 also discloses a method of vulcanizing a tire substantially as claimed using such a mold, the method comprising displacing the upper and lower sidewall mold members toward each other so that the upper and lower segments are brought into abutment with each other, and operating the cam ring while the cam ring remains in direct engagement with the upper tread mold member and in **indirect** engagement (via cooperating projection 81 and recess 34) with the lower tread mold member to simultaneously

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displace all of the segments radially inwards relative to the upper and lower sidewall members, with the upper segments in abutment with the lower segments. British '891 does not disclose that the cam ring simultaneously displaces all of the segments radially inwardly while the cam ring remains in direct engagement with both upper and lower tread mold members. Miyata et al. disclose a tire vulcanizing mold and method, wherein a single cam ring 4 (formed of two connected parts 4a and 4b) simultaneously displaces all of the tread mold segments radially inwardly while the cam ring remains in direct engagement with both the upper tread mold members and the lower tread mold members. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify British '891 by providing the cam ring in direct engagement with both the upper and lower tread mold members to simultaneously displace the segments radially inwardly, as disclosed in Miyata et al., since such an arrangement would enable a more reliable radially inward movement of the lower tread mold member by applying a force from the outward side of the lower tread mold member rather than from the upper side thereof, and since such an arrangement is equivalent to the direct engagement of the cam ring with the upper tread mold member and the indirect engagement of the cam ring (via cooperating elements 81 and 34) with the lower tread mold member, as disclosed in British '891.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Mackey whose telephone number is (703) 308-1195. The examiner can normally be reached on Monday-Friday from 8:30AM to 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nam Nguyen, can be reached at (703) 308-3322. The fax phone number for this Group is (703) 305-7718.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651. Any inquiry relating to the contents or papers filed in this application, other than issues of substance requiring the attention of the Examiner, should be directed to the Customer Service Office, Technology Center 1700, whose telephone number is (703) 306-5665.

MACKEY/jpm
June 29, 2002

James Mackey
JAMES MACKEY
PRIMARY EXAMINER
ART UNIT 1722

6/29/02